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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,755	07/23/2001	Glenda Wright	WRIGHT01-01	5000

7590 10/27/2003

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EXAMINER

FLETCHER, MARLON T

ART UNIT	PAPER NUMBER
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2837

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/911,755	WRIGHT ET AL.	
	Examiner	Art Unit	
	Marlon T Fletcher	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Sitrick (6,048,168).

As recited in claims 1 and 7, Sitrick discloses an interactive system for providing for musical training and performance, the system including a keyboard and keyboard processor (figure 5), comprising: a display (135), a processor (115); a data structure (120) storing a plurality of music composition data files including at least music, each of said files adapted to be modified to change at least tempo and key (abstract; column 9, lines 61-65; column 12, lines 12-14; and column 15, lines 36-67); and a controller to control the processor to access a selected file in the data structure and to display the same at the display (column 7, line 48 through column 8, line 11), said controller further including means to modify the displayed data for at least one of changing said tempo and key and for scrolling the display to display said musical file (column 8, lines 41-56; and column 15, lines 53-58).

As recited in claim 2, Sitrick discloses the system, said data structure further including data for each file corresponding to audio performance of the music and speakers, said controller including means to control the processor to retrieve for a file

said performance data and control the speakers to provide audio of the music (column 8, lines 11-16 and lines 46-51).

As recited in claims 3 and 8, Sitrick discloses the system, further comprising a telecommunications link between said processor and a remote data structure storing said files (column 7, line 48 through column 8, line 6).

As recited in claim 4, Sitrick discloses the system, further comprising processor readable media having computer readable program code means embodied therein storing said data files (column 7, lines 48-59).

As recited in claim 5, Sitrick discloses the system, further comprising said data structure stores accompaniment data representing an audio accompaniment, speakers controlled by said processor, and said controller including means to access and retrieve for a music file said music for display of the same at the display for performance of the same and data to control said processor to control said speakers to broadcast said audio accompaniment in coordination with said music data (column 7, line 60 through column 8, line 56).

As recited in claim 6, Sitrick discloses the system, wherein said data storage files further include tutorial text for display at said display (column 10, lines 60-62).

As recited in claim 9, Sitrick discloses the system, said controller further comprising means to control said processor to transfer data stored in the on-board data structure to said remote data structure (figure 1A).

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references relate to the claimed invention, wherein they provide storage of files, a processor for accessing and controlling the files, and etc...

Koevering (5,864,078)

Hasegawa (6,632,992)

Kunimasa (6,072,114)

Kennedy (5,690,496)

Ng et al. (5,648,628)

Young (5,606,143)

Nakai et al. (5,484,291)

Okamura et al. (5,286,907)


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon T Fletcher whose telephone number is 703-308-0848. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached on 703-308-3370. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Marion T. Fletcher
Primary Examiner
Art Unit 2837

MTF
October 20, 2003